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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,684	03/06/2002	Conny Sjoback	19378-0020	8505

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Swidler Berlin Shereff Friedman
3000 K Street N W Suite 300
Washington, DC 20007

EXAMINER

JULES, FRANTZ F

ART UNIT PAPER NUMBER

3617

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,684

Applicant(s)

CONNY SJOBACK

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recitation of said component or components include interiors, channels, cabling and/or bogie wagon equipment in the vehicle in claims 8-9, 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 2 is objected to because of the following informalities:

In claim 2, line 3, the word "has" should be changed to --have--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 2, the phrase "and/or bogie wagon equipment" is confusing as it is unclear whether applicant is claiming the combination of the wagon equipment or not. Furthermore it is unclear what applicant is referring to by bogie wagon equipment in the vehicle. Similar problem exists with claim 14.

Claim 9 recites the limitation "the bog^{ie}y wagon" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 is confusing and not conforming to method claim format since no method steps are provided for manufacturing the beam. In addition the claim is not supported by any flow chart in the drawing. Similar problem exists in claims 11-14.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74

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(Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 14 recites the broad recitation a rail vehicle, and the claim also recites in particular a railway wagon which is the narrower statement of the range/limitation. Similar range within a range problem exists in claim 14, line 3, with the recitation of "in particular interiors, channels, cabling, and or bogie wagon equipment in the vehicle.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgess et al (US 4,238,550).

Claims 10-13

Burgess et al teach all the limitations of claims 10-13 by showing in figs. 1-8 a method of manufacturing a beam characterized in that an attaching member (22) which runs substantially in the longitudinal direction of the beam (10) is arranged in the beam. The beam (10) includes a sheet (16) and that the attaching member (22) is accomplished by rolling of the sheet. The attaching member (22) defining a recess having a substantially T-shaped cross-section which extends in the longitudinal direction of the beam (10), see column 1, lines 3-10.

Claim Rejections - 35 USC § 103

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess et al (US 4,238,550) in view of Norregaard et al (US 6,327,981).

Burgess et al teaches all the limitations of claims 1-9, and 14 except for a beam having an attaching member being positioned on a vehicle for receiving or fixing components selected from the group of interiors, channels, cabling or equipment in the vehicle and the sidewall or the roof of the vehicle. The general concept of providing a beam member on a vehicle for the purpose of receiving or fixing components selected from the group of interiors, channels, cabling or equipment in the vehicle and the sidewall or the roof of the vehicle is well known in the art as illustrated by Norregaard et al which discloses a car body having a beam member (8 or 26) being positioned on a vehicle for receiving or fixing components selected from the group of interiors, channels, cabling or equipment in the vehicle and the sidewall or the roof of the vehicle (1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burgess to include the use of the beam positioned on a vehicle for receiving or fixing components selected from the group of interiors, channels, cabling or equipment in the vehicle and the sidewall or the roof of the vehicle in order to accommodate attachment of equipment inside the vehicle at different height while reducing the number of parts used in coupling an equipment with the beam.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ishizuka et al, Gutridge et al are cited to show related vehicle body having beam member joining the side wall, roof, and floor of a vehicle while adapted to receive component of a vehicle body.

Snyder et al, Ristow et al, Wallstrom are cited to show related beam member having a recess for coupling with a member.

Knudson, Albrecht et al, Tamura et al, Takeda et al are cited to show related method for producing a beam using rolling method.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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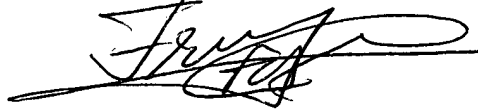
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Frantz F. Jules
Examiner
Art Unit 3617

FFJ

January 26, 2003

FRANTZ F. JULES
PATENT EXAMINER

A handwritten signature in cursive script, appearing to read 'Frantz F. Jules', written over a horizontal line.